

REMARKS

In the Response to the Final Rejection Office Action mailed July 31, 2007 Applicant has carefully reviewed the rejections and objections raised in the Office Action and herewith presents new claims 158 to 167 that define the invention of the present application in more specific terms, particularly pointing out and distinctly claiming the novel and unobviousness of the present invention, and clearly distinguishing from the prior art cited and applied against the claims previously in the case.

More particularly, new claim 158 sets forth the method of the present invention for controlling the temperature of a target animal at a given location about 16 meters distant. The method includes the steps of providing an air fan assembly comprised of a housing including an air inlet and a planar member defining an air outlet opening and an air fan juxtaposed in said air outlet opening in said planar member with the planar member peripherally surrounding said fan on all sides and extending peripherally outwardly thereof. The air fan has blades rotary mounted on a hub that has a longitudinal axis about which said blades rotate and a motor driving the fan. The method includes the step of mounting the air fan assembly on a support for pivoting about an axis normal to the longitudinal axis of said hub. The method further includes the steps of operating the air fan assembly to generate, downstream about 16 meters from the air fan, an air stream having a maximum velocity of 2 m/sec. The method further includes providing a cylindrical nozzle chamber fixed to the air outlet side of the fan longitudinally aligned with the hub and of substantially the same diameter and having a front portion facing forward in the direction the air stream flow, the chamber defining at least one forward facing opening. The method further includes the step of introducing liquid via a liquid inlet to the cylindrical nozzle chamber with an orientation that produces centrifugal motion for liquid within the cylindrical nozzle chamber, the liquid being introduced under a pressure of from about 3 to 6 atm and at a flow rate of from about 5 l/hr to about 50 l/hr. Further the method includes the steps of press fitting at least one replaceable flexible hollow elongated nozzle into said forward facing opening and discharging the centrifugally moving liquid in said cylindrical nozzle chamber through said at least one

flexible hollow elongated nozzle to form a conic spray centrally entrained in said air stream for controlling the temperature of a target animal at a given location about 16 meters distant from said at least one flexible hollow elongated nozzle.

The prior art cited of record and applied fail to disclose the steps of claim 158. Terrell et al shows a fan having peripherally mounted nozzles spraying liquid into the exiting airstream. As will be show hereinafter, this structure and method of creating a mist stream is very ineffective and does not teach the method according to the specifically express limitations of claim 158. Natschke et al shows a fan having centrally mounted nozzles for spraying liquid into the exiting airstream from the fan. As will be show hereinafter, this structure and method of creating a mist stream is very ineffective and does not teach the method according to the specifically express limitations of claim 158. Roach et al shows a fan having a concentric mister mounted in front of a fan for spraying liquid into the exiting airstream. The nozzle ring is located in-between the periphery and center of the fan. As will be show hereinafter, this structure and method of creating a mist stream is very ineffective and does not teach the method according to the specifically express limitations of claim 158.

The method of the invention, as recited by the specific limitations of claim 158, achieves a superior and unexpected result as compared to the methods shown and taught by the prior art cited and applied. To substantiate the unexpected results attainable by the present invention according to the specific limitations of claim 158, tests were undertaken by Itzhak Bar Yona at the request of the inventor. The details of the testing and the results are attached herewith in the form of a declaration by Itzhak Bar Yona, a person qualified to conduct the testing and to give his opinion regarding the results, as will be fully evident form his qualifications as stated in his declaration. According to Itzhak Bar Yona's declaration, he performed two tests, an air flow test and a humidity test to show that the method of the present invention outperformed the methods described in each of Terrell et al, Natschke et al and Roach et al in a totally unexpected manner. As summarized in his affidavit the airflow test showed an unexpected improvement of the present invention as recited in claim 158 over the methods of the

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Application No. 10/803,868:
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prior art cited and applied against the claims of the application of achieving an airflow of 2.0 m/sec at a substantially greater distance and the humidity test showed an unexpected improvement of the present invention as recited in claim 158 over the methods of the prior art cited and applied against the claims of the application of achieving a substantially greater humidity at both 10 and 15 meter distances.

It is respectfully urged that claims 158 to claims 167 be favorably considered and deem patentable over the prior art cited of record and applied against the claims of the application based on the unexpected showing as portrayed in the declaration attached. In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fee is believed to be due for this submission. It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time, time sufficient, to effect a timely response, and shortages in this or other fees, be charged, or any overpayment in fees be credited, to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 7640-X04-019).

Respectfully submitted,

A handwritten signature in black ink that reads "Martin Fleit". The signature is written in a cursive, flowing style.

Martin Fleit, Reg. #16,900
Customer # 27,317

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